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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,372	03/24/2004	Adrian Steiner	PA-222	3962

21920 7590 09/21/2005

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EXAMINER	
KASENGE, CHARLES R	
ART UNIT	**PAPER NUMBER**
2125	

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/807,372	STEINER ET AL.	
	Examiner	Art Unit	
	Charles R. Kasenge	2125	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *24 March 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3/21/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 7 and 24 are objected to because of the following informalities: "programable" and "programing" are spelled wrong. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Carson U.S. Patent 4,197,868. Regarding claims 1, 10, 13, 21, and 25, Carson discloses an apparatus to control the rate of flow of a stream of pressurized fluid through a conduit (abstract), the apparatus comprising: (i) a flow measurement device operatively connected to said conduit, said flow measurement device generating an output signal proportionate to the rate of flow of said fluid therethrough (col. 2, lines 29-43); (ii) a flow control device operatively connected to said conduit, said flow control device including an adjustable orifice wherein upon the opening of said orifice a portion of said stream of pressurized fluid is independently released from said conduit by said flow control device (col. 4, lines 32-59); and, (iii) a controller operatively connected to said flow control device and receiving said output signal generated by said flow measurement device, said controller causing said adjustable orifice in said flow control device to open or close as necessary to maintain the flow of pressurized fluid as measured by said flow

measurement device within pre-determined limits (col. 2 and 3, lines 60-68 and 1-9). Carson discloses the use of pumps in the system (col. 2, lines 18-28).

Regarding claims 2-6, 15-18, 22 and 23, Carson discloses the device as claimed in claim 1 wherein said flow control device includes an automatically adjustable choke or valve (col. 4, lines 32-59). Carson discloses the device as claimed in claim 1 wherein said flow measurement device includes a turbine in communication with said stream of pressurized fluid (col. 5, lines 9-11). Carson discloses the device as claimed in claim 1 wherein said flow measurement device includes a pressure sensor and said output signal comprises a pressure signal (col. 4 and 5, lines 60-68 and 1-15). Carson discloses the device as claimed in claim 1 wherein said flow measurement device includes a pitot tube, the output of said pitot tube operatively connected to said controller (col. 5, lines 9-21). Carson discloses the device as claimed in claim 1 wherein said flow measurement device includes a pilot pressure tube, said pilot pressure tube having a first end in communication with said conduit and a second end in communication with said controller (col. 2 and 3, lines 67-68 and 1-4).

Regarding claims 7-9, 19, 20, and 26, Carson discloses the device as claimed in claim 1 wherein said controller is a microprocessor control, said microprocessor control programmable to automatically adjust said orifice in said flow control device in accordance with fluctuations in said output signal received from said flow measurement device to maintain the flow of fluid as measured by said flow measurement device within a pre-determined range (col. 1 and 2, lines 46-68). Carson discloses the apparatus as claimed in claim 1 wherein said flow measurement device is operatively connected to said conduit upstream of said flow control device (col. 4 and 5, lines 60-68 and 1-15). Carson discloses the apparatus as claimed in claim 1 wherein said flow

measurement device is operatively connected to said conduit downstream of said flow control device, said flow measurement device measuring the rate of flow of fluid released by said flow control device (col. 4 and 5, lines 60-68 and 1-15).

Regarding claims 11 and 12 discloses the device as claimed in claim 10 including a visual indicator responsive to said output signal generated by said flow measurement device (col. 5, lines 9-15). Carson discloses the device as claimed in claim 11 wherein said visual indicator comprises a gauge indicating the volumetric flow of fluid as measured by said flow measurement device (col. 5, lines 9-15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R. Kasenge whose telephone number is 571 272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 571 272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK
September 16, 2005

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100